UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,037	01/31/2001	Takashi Kise	1272.C0444	2123

			EXAMINER
5514	7590	07/11/2006	PARK, CHAN S

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ART UNIT	PAPER NUMBER
2625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/774,037	KISE, TAKASHI
	Examiner	Art Unit	
	CHAN S. PARK	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-5,8,10 and 18-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5,8,10 and 18-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

Chan S. Park

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment was received on 4/18/06, and has been entered and made of record. Currently, **claims 1, 3-5, 8, 10 and 18-26** are pending, wherein claims 22-26 are newly added.

Response to Arguments

2.   Applicant's arguments with respect to **claims 1, 3-5, 8, 10 and 18-26** have been considered but are moot in view of the new ground(s) of rejection.

3.   Claims 1, 8, 18 and 19 were previously rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, examiner stated that "if the non-corrected test pattern is printed in the generating calibration data step, it is unclear if this non-corrected test pattern is printed again after the judging step". However, no explanation/clarification is found from cited portion of the Specification (page 11, lines 18-21). Examiner respectfully requests the applicant to show where in the Specification such features/steps are shown/explained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-5, 8, 10, 18-22 and 24-26 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Michel et al. U.S. Patent No. 6,215,562 (hereinafter Michel).

4.   With respect to claim 1, Michel teaches a test printing method capable of printing

a test pattern and a non-corrected test pattern with which the corrected test pattern is

compared (col. 8, lines 22-54), said method comprising steps of:

generating calibration data based on measuring data of a printed non-corrected

test pattern (fig. 3A & col. 7, lines 9-20);

correcting test pattern data including a plurality of different data, using the

calibration data (applying the "new values" in calibrating the test pattern);

printing the test pattern based on the corrected test pattern data (S317);

judging whether or not to print the non-corrected test pattern, based on a state of

inputs by an operation of a user (color test page that uses original values S314 & S315);

and

controlling execution of said printing step based on a judgment made in said

judging step,

wherein when the judgment is to print the non-corrected test pattern, said

controlling step includes controlling said printing step so that the test pattern and the

non-corrected test pattern are printed (selecting 'Yes' at S315 & S317 and col. 7, lines 42-45).

Michel does not explicitly teach that the test pattern and the non-corrected test pattern are printed based on a single input. Rather, Michel uses the method of pressing the 'yes' button twice to print the test pattern and the non-corrected test pattern.

It is, however, noted that Michel clearly prints the both test patterns in order to visually compare the two printed test patterns for the calibration (col. 7, lines 42-50 & abstract).

Since Michel teaches why the printing of two test patterns is needed, which is for the comparison, it would have been obvious to one of ordinary skill in the art to modify the user interface to perform the printing steps based on a single input.

Therefore, it would have been obvious to obtain the invention as specified in claim 1.

5.   With respect to claim 3, Michel teaches the test printing method as claimed in claim 1, wherein the input is an input through a switch which can be operated so that setting is made to print only the corrected test pattern or to print the test pattern and the non-corrected test pattern (col. 7, lines 42-45).

6.   With respect to claim 4, Michel teaches the test printing method as claimed in claim 3, further comprising the step of printing the non-corrected test pattern as well as making the switch operated so that setting is made to print only the corrected test pattern, when it is judged in said judging step that the switch is to be operated so that

setting is made to print the corrected test pattern and the non-corrected test pattern (col. 7, lines 42-45).

7.   With respect to claim 5, Michel teaches the test printing method as claimed in claim 1, wherein the input is an input through a switch which can be operated in connection with other predetermined operation input, so that setting is made to print only the corrected test pattern or to print the corrected test pattern and the non-corrected test pattern (col. 7, lines 42-45).

8.   With respect to claim 8, arguments analogous to those presented for claim 1, are applicable.

9.   With respect to claim 10, arguments analogous to those presented for claim 3, are applicable.

10.   With respect to claim 18, arguments analogous to those presented for claim 1, are applicable.

11.   With respect to claim 19, arguments analogous to those presented for claim 1, are applicable.

12.   With respect to claim 20, Michel teaches the test printing method as claimed in claim 1, wherein data for the non-corrected test pattern is not processed using the calibration data (original values at S316 & S317).

13.   With respect to claim 21, Michel teaches the test printing method as claimed in claim 1, wherein the calibration data include gradation correction condition for a plurality of colors, and the corrected test pattern includes the patterns of the plurality of colors, and further comprising the steps of:

displaying the gradation correction condition for the plurality of colors (col. 5, lines 38-60); and

editing the displayed gradation correction condition in accordance with the operation of the user (col. 7, lines 1-42 & col. 8, lines 1-14).

14.   With respect to claims 22, 25 and 26, arguments analogous to those presented for claim 1, are applicable.

15.   With respect to claim 24, Michel discloses the information processing apparatus as claimed in claim 22, wherein said user interface includes a button for inputting an instruction for formation of the corrected test pattern and the non-corrected test pattern (col. 7, lines 42-50 & read the arguments presented above in claim 1).

Michel, however, does not explicitly disclose said user interface including a check box for inputting an instruction.

Examiner takes an Official Notice that using a check box in the graphical user interface for instructing a particular command is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the user interface ('yes' button) of Michel to include a check box for inputting an instruction for formation of only the corrected test pattern.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michel

as applied to claim 22 above, and further in view of Hirata et al. U.S. Patent No.

6,094,502 (hereinafter Hirata).

16.   With respect to claim 23, Michel discloses an information processing apparatus

as claimed in claim 22, but Michel does not explicitly disclose that the calibration data is

data relating to a gamma-correction condition.

Examiner first notes that gamma-correction in the printer calibration is well known

in the art. It is conventionally used to enhance the image quality of the prints.

Hirata, the same field of endeavor of the printer calibration using the test page,

discloses a printer using calibration data relating to a gamma-correction condition (fig. 4

and abstract).

At the time of the invention, it would have been obvious to one of ordinary skill in

the art to incorporate the gamma correction method of Hirata into the calibrating method

of Michel.

The suggestion/motivation for doing so would have been to further enhance the

quality of the prints printed out from the printer.

Therefore, it would have been obvious to obtain the invention as specified in

claim 23.

Conclusion

17.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
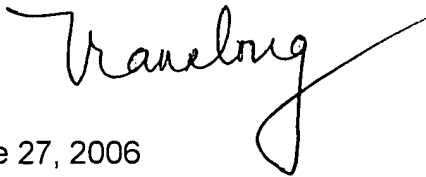
18.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DOUGLAS Q. TRAN
PRIMARY EXAMINER

csp
June 27, 2006

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Art Unit 2625